

NEEL CHATTERJEE (SBN 173985)
nchatterjee@goodwinlaw.com
GOODWIN PROCTER LLP
135 Commonwealth Drive
Menlo Park, California 94025
Tel.: +1 650 752 3100
Fax.: +1 650 853 1038

BRETT SCHUMAN (SBN 189247)
bschuman@goodwinlaw.com
SHANE BRUN (SBN 179079)
sbrun@goodwinlaw.com
RACHEL M. WALSH (SBN 250568)
rwalsh@goodwinlaw.com
HAYES P. HYDE (SBN 308031)
hhyde@goodwinlaw.com
GOODWIN PROCTER LLP
Three Embarcadero Center
San Francisco, California 94111
Tel.: +1 415 733 6000
Fax.: +1 415 677 9041

HONG-AN VU (SBN 266268)
hvu@goodwinlaw.com
GOODWIN PROCTER LLP
601 S. Figueroa Street, 41st Floor
Los Angeles, CA 90017
Tel.: +1 213 426 2500
Fax.: +1 213 623 1673

Attorneys for Defendant: Otto Trucking LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Waymo LLC,

Plaintiff,

v.

Uber Technologies, Inc.; Ottomotto LLC; Otto
Trucking LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANT OTTO TRUCKING LLC'S
SUPPLEMENTAL SUMMARY OF
ACTIONS TAKEN RE: ORDER
CONTINUING DEADLINE AND SETTING
HEARING ON MOTION TO INTERVENE
AND MODIFY PROVISIONAL RELIEF
[DKT. NO. 471]**

Trial Date: October 10, 2017
Courtroom: 8 (19th Floor)
Judge: Hon. William Alsup

1 Defendant Otto Trucking LLC (“Otto Trucking”) respectfully submits this supplemental
2 summary of its efforts to comply with the Court’s Order Continuing Deadline and Setting Hearing
3 on Motion to Intervene and Modify Provisional Relief [Dkt. No. 471] as ordered by the Court at
4 the August 16, 2017 hearing.

5 **I. PROHIBITION ON THE USE OF THE “DOWNLOADED MATERIALS”**
6 **AND THEIR RETURN TO WAYMO.**

7 Otto Trucking has no operations, employees, consultants, no email or electronic
8 communication systems, and no servers.

9 In order to comply with the Court’s Order, Otto Trucking has sent notices to Lior Ron,
10 Anthony Levandowski, Rhian Morgan, and Adam Bentley instructing them to refrain from using
11 the downloaded materials in any way, and to return them. (Attached hereto as Exhibits A-D).
12 Furthermore, since the formation of Otto Trucking in 2016, Mr. Ron, Ms. Morgan, and Mr.
13 Bentley have stated that they do not have any downloaded materials and never received such
14 materials.

15 **II. REMOVAL OF ANTHONY LEVANDOWSKI FROM DEFENDANTS’**
16 **LIDAR-RELATED ACTIVITIES**

17 Otto Trucking does not develop, make or research LiDAR. As such, Mr. Levandowski has
18 never and does not now have any LiDAR-related responsibilities at Otto Trucking. Otto Trucking
19 has informed Mr. Levandowski that he is not to consult, copy, or otherwise use the downloaded
20 materials in any way. In addition, since the filing of this lawsuit, Mr. Levandowski has been not
21 been involved in the day-to-day management of Otto Trucking, though he continues to be a
22 Managing Member of the company.

23 **III. DEFENDANTS’ DETAILED ACCOUNTING.**

24 Mr. Ron, Ms. Morgan, and Mr. Bentley are employees of Uber Technologies, Inc., and as
25 such all three of them have been interviewed for Defendants’ detailed accounting. Consequently,
26 their information is included in the accounting filed by Uber.

Ms. Morgan has not seen or heard any part of the contents of any downloaded materials. Mr. Ron has not seen or heard any part of the contents of any downloaded materials. Mr. Bentley also has not seen or heard any part of the contents of any part of any downloaded materials

To the extent that it is responsive to the detailed accounting, Mr. Bentley, Mr. Ron and Mr. Levandowski each received the Stroz report, but none of them received the attachments.

IV. DEFENDANTS' LOG OF MR. LEVANDOWSKI'S COMMUNICATIONS REGARDING LIDAR.

Otto Trucking is a limited liability company that wholly owns a subsidiary named Otto Transport LLC. Neither Otto Trucking nor Otto Transport is involved in the development of any LiDAR or LiDAR systems. Otto Trucking has previously leased seven trucks from Uber, and Otto Transport currently owns four trucks that Uber has leased from Otto Transport. Anthony Levandowski has not contributed to any components of the self-driving trucks leased by Otto Trucking or owned by Otto Transport. The only LiDAR systems that have been installed on any trucks leased or owned by Otto Trucking or Otto Transport are off-the-shelf products created by non-party, Velodyne. Waymo has made no allegation that Velodyne's products have misappropriated any of the purported trade secrets. Otto Trucking does not know of any communications with Velodyne related to LiDAR since this case was filed, although (through discovery) Otto Trucking has learned that Mr. Levandowski did interact with Velodyne while he worked at Google.

Otto Trucking has four officers and no employees, directors, agents, or consultants. None of the officers are involved in the design, development, use, or sale of LiDAR in their capacities as officers of Otto Trucking.

Rhian Morgan is the Secretary of Otto Trucking. She is not involved in the development of LiDAR in her capacity as the Secretary Otto Trucking. Otto Trucking does not have any company email. However, Rhian Morgan has been interviewed and her personal email relating to Otto Trucking have been reviewed. Her emails and documents do not show any conferences, meetings, phone calls, one-on-one conversations, texts, emails, letters, memos, or voicemails where Anthony Levandowski discussed LiDAR with her (or anyone else) in her capacity as an

1 officer of Otto Trucking. In her capacity as Secretary for Otto Trucking, she also reports that she
2 was not present during any discussions with Anthony Levandowski where he discussed LiDAR
3 and is unaware of any discussions by Anthony Levandowski related to LiDAR.

4 Adam Bentley is Legal Counsel for Otto Trucking and is not involved in the development
5 of LiDAR in his capacity as Legal Counsel of Otto Trucking. Mr. Bentley has been interviewed
6 and his personal email relating to Otto Trucking has been reviewed. His emails and documents do
7 not show any conferences, meetings, phone calls, one-on-one conversations, texts, emails, letters,
8 memos, or voicemails where Anthony Levandowski discussed LiDAR with him (or anyone else)
9 in his capacity as legal counsel to Otto Trucking. In his capacity as Legal Counsel to Otto
10 Trucking, he also reports he was not present during any discussions with Anthony Levandowski
11 where he discussed LiDAR and is unaware of any discussions by Anthony Levandowski related to
12 LiDAR.

13 Lior Ron is a Managing Member and President, Chief Executive Officer, and General
14 Manager of Otto Trucking and is not involved in the development of LiDAR in his capacity as the
15 Managing Member and President, Chief Executive Officer, and General Manager of Otto
16 Trucking. Mr. Ron has been interviewed and his personal email relating to Otto Trucking
17 business has been reviewed. His emails and documents do not show any conferences, meetings,
18 phone calls, one-on-one conversations, texts, emails, letters, memos, or voicemails where Anthony
19 Levandowski discussed LiDAR with him (or anyone else) in his capacity as Managing Member
20 and President, Chief Executive Officer, and General Manager to Otto Trucking. In his capacity as
21 President, Chief Executive Officer, and General Manager to Otto Trucking, he also reports he was
22 not present during any discussions with Anthony Levandowski where he discussed LiDAR and is
23 unaware of any specific Otto Trucking communications by Anthony Levandowski related to
24 LiDAR.

25 ///

26 ///

27 ///

28 ///

1 Otto Trucking incorporates by reference the disclosure and chronological logs created by
2 Uber and Ottomotto with respect to all of Ms. Morgan's, Mr. Bentley's, and Mr. Ron's other
3 communications in capacities other than their capacities as officers of Otto Trucking. Otto
4 Trucking has no information beyond that which was disclosed by Uber pursuant to the PI Order
5 with respect to oral and/or written communications where Mr. Levandowski mentioned LiDAR.

6
7 Dated: August 18, 2017

Respectfully submitted,

8
9 By: /s/ Neel Chatterjee

Neel Chatterjee

nchatterjee@goodwinlaw.com

Brett Schuman

bschuman@goodwinlaw.com

Shane Brun

sbrun@goodwinlaw.com

Rachel M. Walsh

rwalsh@goodwinlaw.com

Hong-An Vu

hvu@goodwinlaw.com

Hayes P. Hyde

hhyde@goodwinlaw.com

James Lin

jlin@goodwinlaw.com

GOODWIN PROCTER LLP

17 *Attorneys for Defendant: Otto Trucking LLC*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document including all of its attachments with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on **August 18, 2017**. I further certify that all participants in the case are registered CM/ECF users and that service of the publicly filed documents will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on **August 18, 2017**.

/s/ Neel Chatterjee
NEEL CHATTERJEE